



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

NR

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,802	12/19/2001	Lyndon J. Hurley	21 - 1266	6093

7590 10/23/2002

Kaardal & Associates, PC
Attn: Ivar M. Kaardal
Circle - Suite 250
3500 South First Ave.
Sioux Falls, SD 57105-5802

EXAMINER

COHEN, AMY R

ART UNIT PAPER NUMBER

2859

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,802

Applicant(s)

HURLEY, LYNDON J.

Examiner

Amy R Cohen

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities:
Claim 1, line 5 "the lumen of a pipe" should read --the lumen of the pipe--.
Appropriate correction is required.
2. Claims 10 and 12 are objected to because of the following informalities:
Claim 10, line 2 "a pair of the stop members" lacks antecedent basis in the claims;
Claim 12, line 2, "a pairs of the hooks" lacks antecedent basis in the claims.
Appropriate correction is required.
3. Claims 10, 12 and 17 are objected to because of the following informalities:
Claim 10, lines 3-4, claim 12, lines 3-4, and claim 17, lines 5-9 claim language is unclear as to whether each stop member/hook is mounted on an opposite end or if a pair of stop member/hooks is mounted on each end. Examiner suggests the language --wherein each stop member/hook is mounted on an opposite end--.
Appropriate correction is required.
4. Claim 15 is objected to because of the following informalities:
Claim 15, line 3 "defection" should read --deflection--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Stevens (U. S. Patent No. 4,213,246).

Stevens teaches a deflection gauge (10) with a dislodging system comprising: an elongated deflection gauge (Fig. 1) for measuring a minimum diameter of a lumen of a pipe; and dislodging means (26) for dislodging the deflection gauge from a lodged condition in the lumen of a pipe, the dislodging means being adapted to impact against the deflection gauge while the deflection gauge is positioned in the lumen of the pipe (Col 2, lines 40-51 and Col 3, lines 42-56).

Stevens teaches the deflection gauge with dislodging system wherein the dislodging system means is movable on the deflection gauge (Col 3, lines 42-56).

Stevens teaches the deflection gauge with dislodging system wherein dislodging means is movable with respect to the deflection gauge in a direction oriented substantially parallel to the longitudinal axis of the deflection gauge (Col 3, lines 42-56).

Stevens teaches the deflection gauge with dislodging system wherein the dislodging means is slidably movable with respect to the deflection gauge by pulling a cord when the cord is connected to the dislodging means (Col 3, line 57-Col 4, line 3).

Stevens teaches the deflection gauge with dislodging system wherein the dislodging means is adapted to impact the deflection gauge in a direction oriented substantially parallel to the longitudinal axis of the deflection gauge (Col 3, lines 42-56).

Stevens teaches the deflection gauge with dislodging system wherein the dislodging means includes a slide member (12) slidably mounted on the deflection gauge, the slide member having opposite ends (46, 48).

Stevens teaches the deflection gauge with dislodging system wherein the deflection gauge includes a pair of spaced end plates (22, 32), and wherein the slide member has a length greater than the distance between outer surfaces of the end plates of the deflection gauge (Fig. 1).

Stevens teaches the deflection gauge with dislodging system wherein the deflection means includes a stop member (26) mounted on the slide member for limiting sliding movement of the slide member with respect to the deflection gauge (Col 2, lines 23-51).

Stevens teaches the deflection gauge with dislodging system wherein the stop member is mounted at an end of the slide member (Fig. 1) and wherein the stop member comprising a plate, the plate lying in a plane oriented substantially perpendicular to the longitudinal axis of the slide member (Fig. 1).

Stevens teaches the deflection gauge with dislodging system wherein a pair of the stop members (22, 26) are mounted on the slide member with the pair of stop members being mounted on opposite ends of the slide member.

Stevens teaches the deflection gauge with dislodging system wherein the dislodging means includes a hook (46) mounted on the slide member for connected a cord thereto.

Stevens teaches the deflection gauge with dislodging system wherein a pair of the hooks (46, 48) are mounted on the slide member with the pair of hooks being mounted on opposite ends of the slide member (Fig. 1) and wherein each of the hooks being located longitudinally outward of the stop member (Fig. 1), each of the hooks comprising a closed loop (Fig. 1).

Stevens teaches the deflection gauge with dislodging system wherein the deflection gauge comprises a pair of longitudinally separated end plates and a plurality of skid members (38) extending between the end plates.

Stevens teaches the deflection gauge with dislodging system wherein each of the end plates has an aperture formed therein, and wherein the dislodging means comprises a slide member extending in the aperture of the end plates (Figs. 1 and 2).

Stevens teaches the deflection gauge with dislodging system wherein radially outermost surfaces of the skid members defining a calibrated diameter along a circumference of the deflection gauge (Col 1, lines 43-68).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose deflection gauges Wiltermood et al. (u. S. patent no. 4,521,968), Prange (U. S. Patent No. 4,418,572), and Pino Jr. (U. S. Patent no. 3,533,166).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

Application/Control Number: 10/024,802
Art Unit: 2859

Page 6

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC
October 18, 2002



Diego Gutierrez
Supervisory Examiner
Tech Center 2800